



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,281	01/13/2004	Dong-yul Lee	1793.1124	1627

21171 7590 01/16/2007
STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

WOO, STELLA L

ART UNIT	PAPER NUMBER
----------	--------------

2614

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/755,281	LEE, DONG-YUL	
	Examiner	Art Unit	
	Stella L. Woo	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Sep 28, 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,10-15 and 26-33 is/are rejected.
- 7) ☒ Claim(s) 3-9 and 16-25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 13-15, 26-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foth (US 6,473,498) in view of Nomura et al. (US 5,877,872, hereinafter "Nomura").

Regarding claims 1, 14, 27-28, 30-33, Foth discloses a method to urgently receive data via facsimile, comprising:

determining whether an urgent transmission of data is demanded by a second party previously determined to be capable of urgently receiving the data during communication with a first party based on a phone number of the second party (during an outgoing facsimile communication, it is determined that a high priority user is trying to send an incoming facsimile, col. 2, lines 51-56; the high priority user can be identified by the calling number via caller identification decoder 150, col. 2, lines 22-24; col. 3, lines 62-64; col. 4, lines 10-19); and

interrupting communication with the first party and receiving the urgent data from the second party upon determining that the urgent transmission of

data is required from the second party during communication with the first party (the ongoing facsimile communication is interrupted in order to receive the facsimile communication from the priority user; col. 2, lines 51-56; col. 4, lines 15-19).

Foth differs from the claims in that it does not teach setting a function to urgently receive the data. However, Nomura teaches the well known use of enabling the setting of a function (note mode selection key 54a; Figure 12) so that a user has the option of selecting the standby mode with which an incoming facsimile call is handled (col. 13, line 24 – col. 14, line 5). It would have been obvious to an artisan of ordinary skill at the time of invention to incorporate such a function setting key, as taught by Nomura, within the method of Foth in order to provide the user with the option of enabling or disabling the reception of urgent data from an interrupting party.

Regarding claims 2, 15, 29, in Foth, the urgent receipt function is enabled when the outgoing transmission does not originate from a high priority user (col. 2, lines 48-51).

Regarding claims 13, 26, in Foth, outgoing communications can include voice (col. 2, lines 40-41).

3. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foth in view Nomura, as applied to claim 1 above, and further in view of Naka (JP 07-236007).

The combination of Foth and Nomura differs from claims 10-11 in that it does not specify restarting communication with the first party upon determining that all data from the second party has been received. However, Naka teaches that after an interruption to fax communication due to urgent transmission, the previous interrupted fax communication is resumed to finish the unfinished transmission (paragraph 0005). Thus, it would have been obvious to an artisan of ordinary skill to modify the combination of Foth and Nomura to resume the previous communication after the priority fax communication has finished in order to complete the interrupted fax communication.

Regarding claim 12, in Foth, an outgoing fax is saved for later transmission (Fig. 6, step 600).

Allowable Subject Matter

4. Claims 3-9, 16-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments with respect to claims 1-2, 10-15, 26-33 have been considered but are moot in view of the new grounds of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Abe (US 5,555,294) and JP 02065559 A (Kainuma) show the well known use of mode setting switch in a facsimile machine.

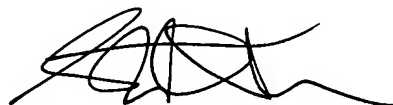
7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Friday, 8:00 a.m. to 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Stella L. Woo
Primary Examiner
Art Unit 2614